

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 5. Standards for Motor Vehicle Fuels

Subchapter 8. Clean Fuels Program

§ 2303.5. Identification of Designated Clean Fuels Projected to Reach the Trigger Level in a Particular Year.

(a) *The trigger level requirement.*

(1) *Number of designated clean fuel vehicles necessary to trigger a retail clean fuel outlet requirement.*

There shall be no retail clean fuel outlets for a designated clean fuel required in a year unless the statewide number of low-emission vehicles projected by the executive officer for that fuel in accordance with section 2303(b) is 20,000 or greater, after discounting the number of fleet vehicles by 75 percent or a smaller discount factor determined in accordance with section 2303.5(a)(2).

(2) *Reducing the discount factor for fleet vehicles.* The discount factor for fleet vehicles is intended to reflect the approximate percentage of clean fuel that will be dispensed to the fleet vehicles from facilities other than retail clean fuel outlets in the year for which the trigger determination is being made. If the executive officer determines, based on the reports filed pursuant to section 2313 and on any other relevant reasonably available information, that a specified lower percentage of the clean fuel dispensed to the fleet vehicles will likely be dispensed from facilities other than retail clean fuel outlets, the executive officer shall discount the number of fleet vehicles by that specified lower percentage.

(b) *Yearly projections regarding the trigger level.* For each year, the executive officer shall identify any designated clean fuels he or she projects will for the first time be the fuel for a sufficient number of low-emission vehicles to reach the trigger level set forth in section 2303.5(a). At least sixteen months before the start of the year, the executive officer shall notify interested parties of the fuel or fuels identified, and shall make available a summary of the information and analysis relied upon, including the fleet discount factor applied. The notification shall also identify any other designated clean fuel that the executive officer projects will miss the trigger level by no more than 30 percent, with the information and analysis relied upon being made available. The notice shall be provided to trade associations representing gasoline refiners, distributors and retailers, representative environmental groups, and any person who has requested in writing to receive such notices.

(c) *Requests to revise trigger level projections.* Any interested party may request in writing that the executive officer revise the trigger determination or fleet discount factor for any designated clean fuel, and may submit any relevant information supporting a revised determination. In order to be considered by the executive officer, the written request and supporting information must be received no more than 30 days after issuance of the notice. The executive officer shall consider any requests that are timely submitted, and shall issue his or her final trigger determination and fleet discount factor no less than fourteen months before the start of the year in question.

NOTE: Authority cited: Sections 39600, 39601, 39667, 43013, 43018 and 43101, Health and Safety Code; and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975). Reference: Sections 39000, 39001, 39002, 39003, 39500, 39515, 39516, 39667, 43000, 43013, 43018 and 43101, Health and Safety Code; and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal. 3d 411, 121 Cal. Rptr. 249 (1975).

REFERENCE